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1638

PATENT  
29520/37890

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:

**DESCENZO et al.**

Serial No.: 09/978,522

Filed: **October 16, 2001**

For: **LIPOXYGENASE GENES  
FROM VITIS VINIFERA**

Group Art Unit: 1638

Examiner: Russell Kallis

) I hereby certify that this paper and the  
) documents referred to as enclosed  
) therewith are being deposited with the  
) United States Postal Service as first class  
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) P.O. Box 1450, Alexandria, Virginia  
) 22313-1450

**October 21, 2003**

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Jeffrey S. Sharp

Registration No. 31,879

Attorney for Applicants

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This is in response to the Office Action dated October 1, 2003 in which claims 1-24 were subjected to a five way restriction requirement. Applicants traverse the requirement and argue that Groups I and V should be examined together as doing so would involve the same search and not unduly burden the Patent and Trademark Office. In addition, Groups III and IV may similarly be searched and examined together without undue burden. Nevertheless, in response to the request, Applicants provisionally elect Group I (claims 1-6 and 8-18).

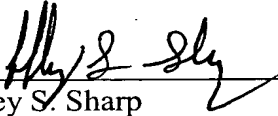
Should the Examiner wish to discuss any issues of form or substance in order to expedite allowance of the pending application, he is invited to contact the undersigned attorney at the number indicated below.

The Commissioner is authorized to charge any fee deficiency required by the paper to Deposit Account No. 13-2855.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-6300

By:

  
\_\_\_\_\_  
Jeffrey S. Sharp  
Registration No.: 31,879  
Attorney for Applicants

**October 21, 2003**